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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,710	01/17/2002	Yasumichi Kuwayama	Q68136	4857

7590 03/17/2003

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EXAMINER

NGUYEN, CHAU N

ART UNIT	PAPER NUMBER
2831	13

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/046,710	KUWAYAMA ET AL.	
	Examiner Chau N Nguyen	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 February 2003.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Withdrawal of Finality***

1. The Finality from the last Office Action is withdrawn in view of the newly discovered references. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5 and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuwayama et al. (2002/0034898)

The applied reference has a common inventor with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application

and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Kuwayama et al. discloses the invention as claimed in claims 1, 5 and 9, see Figures 17 and 18.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5, 6, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Tournier et al. (5,408,743).

Tournier et al. discloses a structure for waterproofing a terminal-wire connecting portion (see Figs 1-2G) comprising a wire including a conductor portion and an insulating sheath, a terminal including a substantially cylindrical wire connection portion, wherein the conductor portion and the insulating sheath are inserted in the wire connection portion, and the wire connection portion is pressed radially uniformly over an entire periphery thereof so that the conductor portion and the insulating sheath are held in intimate contact with an inner peripheral surface of the wire connection portion (re claims 1 and 5). Tournier et al. also discloses the wire connection portion including a smaller-diameter insertion hole for the conductor portion and a larger-diameter insertion hole for the insulating sheath, the smaller-diameter and the larger-diameter insertion holes

being disposed in coaxial relation to each other and being pressed radially (re claims 2 and 6), and the wire connection portion being pressed radially uniformly over an entire length thereof and over the entire periphery thereof (re claims 10 and 11).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 3, 4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tournier et al. in view of Reimert (4,830,408).

Reimert discloses a connector assembly comprising a terminal (114, Fig. 8) having a peripheral groove (146) in a connection portion for receiving a seal member (148), wherein the seal member is compressed in the peripheral groove when a sleeve (140) is inserted into the connection portion of the terminal to provide a seal between the terminal and the sleeve. Reimert also discloses the outer peripheral surface of the sleeve being held in intimate contact with the seal member (re claims 3 and 4).

It would have been obvious to one skilled in the art to provide the wire connection portion of Tournier's terminal with a peripheral groove and a seal member as taught by Reimert so that when the insulating sheath is inserted in the wire connection portion, the outer peripheral surface of the sheath is held in intimate contact with the wire connection portion to provide a seal between the two members. Claims 7 and 8 are method counterparts of claims 3 and 4.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tournier et al. in view of Ikeno et al. (5,045,527).

Claim 9 additionally recites the pressing being effected by a rotary swaging machine. Ikeno et al. discloses an invention relating to pressing a cylindrical portion radially uniformly to reduce the diameter of the portion, wherein the pressing is effected by a rotary swaging machine. It would have been obvious to one skilled in the art to use the rotary swaging machine as taught by Ikeno et al. to radially uniformly compress the wire connection portion of Tournier et al. to provide a smooth, diameter-reduced and uniform wire connection portion.

*Cited Art*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tournier et al. and Livshiz et al. disclose wire connecting structures with the wire connection portion being pressed.

*Communication*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N Nguyen whose telephone number is 308-0693. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308 3682. The fax

phone numbers for the organization where this application or proceeding is assigned are (703) 305 3432 for regular communications and (703) 305 1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Chau N Nguyen  
Primary Examiner  
Art Unit 2831

CN  
March 12, 2003